

### **REMARKS**

Claims 1-21 are pending in the present application. The Examiner has previously acknowledged Applicants' election of claims 9, 10, 12, 13 and 15, while claims 1-8, 11, 14 and 16-21 are withdrawn. Claims 9, 10, 12, 13 and 15 have been rejected. Claims 9, 10, 12, 13 and 15 have been amended. Claims 22 and 24 are canceled. Claims 9, 10, 12, 13, 15, 23 and 25 remain for consideration upon entry of the present response. Support for the amendments may be found at least in Claims 22 and 24 as filed in the last amendment dated October 15, 2008. No new matter has been added.

The Applicants would like to thank the Examiner for the indication of allowability of the Claims 22 and 24. Accordingly the Applicants have amended Claims 9 and 15 to incorporate the limitations of Claims 22 and 24 respectively. The Applicants believe that the claims are now in condition for allowance. The Applicants respectfully request consideration and allowance of the claims over U.S. Patent No. 6,292,239 to Nagamura et al. in view of JP 9-022000A to Yamanaka.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 9, 10, 12, 13 and 15 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,292,239 to Nagamura et al., (hereinafter "Nagamura") in view of JP 9-022000A to Yamanaka (hereinafter, "Yamanaka"). (Office Action dated 01-08-2009, page 3)

The Examiner has stated that Claims 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. (See Office Action dated 01-08-2009, page 7).

The Applicants have accordingly amended Claim 9 to incorporate the limitation of Claim 22 and Claim 15 to incorporate the limitation of Claim 24. The Applicants

accordingly believe that independent Claims 9 and 15 and those claims that are dependent from them are in condition for allowance.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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